

Information Governance

Coventry City Council
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Please contact Information Governance
Direct line 024 7683 3323
infogov@coventry.gov.uk

Date: 29 October 2019

Dear Sir/Madam

**Freedom of Information Act 2000 (FOIA)
Request ID: REQ06152**

Thank you for your request for information relating to Adult Social Care providers reporting Brexit risk.

1. At the time you respond to this request, how many providers have contacted you to warn of a risk to service delivery?

We have had no providers contact us.

2. A list of the types of providers that have contacted you (where possible, indicating how many of each type of provider have contacted you).

N/A

3. For each type of provider, the total number of service users potentially affected.

a. Where numbers would be so small it could identify individuals I am willing to have this anonymised e.g. "less than 5"

N/A

4. Please list all specific risks that have been identified (e.g. shortage of medicines, staff shortages etc). If you are able to, for each specific risk, please indicate how many care providers have warned of it.

N/A

5. What specific actions has the council taken to date to mitigate these risks?

N/A

6. How much has the council spent so far on measures to mitigate the potential risk to social care service delivery as a result of Brexit?

We can confirm that we hold information in relation question 6, however the Council believes that the information is exempt from disclosure under Section 36(2) of the Freedom of Information Act 2000.

Sections 36(2)(b)(i)(ii) and 36(2)(c) of the FOIA provide that:

“Information to which this Section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act

(b) would, or would be likely to, inhibit—

(i) the free and frank provision of advice, or

(ii) the free and frank exchange of views for the purposes of deliberation, or

(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs”.

These exemptions apply when, in the opinion of the Council’s ‘qualified person’ (the City Solicitor and Monitoring Officer, Julie Newman), disclosure would be likely to inhibit the free and frank provision of advice and exchange of views for the purposes of deliberating upon the Council’s no-deal Brexit plans. This in turn would prejudice the effective conduct of the Council’s affairs, insofar as compromising its ability to carry out its role in dealing with Brexit (either a deal or no-deal) as effectively and efficiently as possible.

In this instance, you have requested information in relation to how much the Council has spent so far on measures to mitigate the potential risk to social care service delivery as a result of Brexit.

It is important that the Council officers who deal with Brexit are able to deal with the same effectively and efficiently. Disclosure under FOIA is a disclosure to the world at large. If the requested information was to be disclosed, it would likely inhibit the extent to which team members would feel able to communicate openly, thereby prejudicing the Council’s ability to reach a view on its plans for both a “deal” or “no-deal” Brexit as effectively and efficiently as possible. As a result, we are satisfied that the exemption applies.

Further information on the process used to reach this decision is set out in Annexes A and B, attached.

The supply of information in response to a Freedom of Information request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

Should you wish to make any further requests for information, you may find what you are looking for is already published on the [Council's web site](#) and in particular its FOI/EIR [Disclosure log](#), [Council's Publication Scheme](#), [Open Data](#) and [Facts about Coventry](#).

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are still unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email casework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours faithfully

Information Governance

ANNEX A

Section 36: Prejudice to Effective Conduct of Public Affairs

Section 36 exempts information from disclosure where this would, or would be likely to, have any of the following effects:

- a.** inhibit the free and frank provision of advice,
- b.** inhibit the free and frank exchange of views for the purposes of deliberation; or
- c.** prejudice the effective conduct of public affairs.

Section 36 can only be used if, in the reasonable view of a "qualified person", disclosure of the requested information would have one of the specified effects, as identified in Annex, B below.

The application of Section 36 is subject to the 'public interest' test, as follows:

Factors for disclosure

- There is an inherent public interest in ensuring that there is openness and transparency in the Council's Brexit plans.
- Transparency is likely to increase confidence in decisions made by the Council.

Factors for withholding

- Disclosure of this information would be likely to inhibit the free and frank provision of advice and exchange of views for the purposes of deliberating upon its no-deal Brexit plans. This in turn would prejudice the effective conduct of the Council's affairs, insofar as compromising its ability to carry out its role in dealing with a no-deal Brexit as effectively and efficiently as possible.
- The situation with Brexit is changing daily and discussions between officers will also change daily as a result. To avoid misinformation and/or panic, flows of information must be handled carefully.

Reasons why public interest favours withholding information

It is important that the Council officers are able to consider Brexit plans in an uninhibited manner, so as to ensure the efficient and effective use of its limited public resources.

The disclosure of the information requested would therefore cause a detriment to the Council's ability to effectively consider its Brexit plans in either a "deal" or "no-deal" scenario.

ANNEX B

Opinion of the Qualified Person

Dear Sir/Madam.

Freedom of Information Act 2000 (FOIA) Request ID: REQ06152

Thank you for your request for information which has included the question, how much has the council spent so far on measures to mitigate the potential risk to social care service delivery as a result of Brexit.

The information you requested is being withheld as it falls under the exemption in Section 36 of the Freedom of Information Act.

I am a "qualified person", as defined in Section 36(2) of the Freedom of Information Act 2000 and am duly authorised by a Minister of the Crown for the purposes of that Section.

In my reasonable opinion, disclosure of the information requested would, inhibit the free and frank provision of advice and exchange of views for the purposes of deliberation, and so would prejudice the effective conduct of public affairs.

Also, in applying this exemption I have had to balance the public interest in withholding the information against the public interest in disclosing the information.

I have set out above at Annex A, the factors I considered when deciding where the public interest lay.

If you have any queries about this letter, please contact: infogov@coventry.gov.uk

Signed:

Date:
Julie Newman
City Solicitor and Monitoring Officer
Coventry City Council